

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF PUERTO RICO

3 CARMELO VELAZQUEZ COLON;  
4 CARMELO COLON RIVERA; ORLANDO  
5 COLON VELAZQUEZ; ORLANDO  
6 RAMOS FELIX; JOSEFA FELIX; JOSE  
7 ANTONIO FELIX; ELISEO RAMOS  
8 FELIX; HECTOR JULIO MERCED  
9 GOMEZ; JUAN MARCOS MERCED  
10 GOMEZ; HECTOR MERCED  
11 RODRIGUEZ; MARIA E. GOMEZ  
12 VELAZQUEZ; LEOPOLDO SANABRIA  
13 MORALES; MARIBEL ORTIZ VAZQUEZ  
14 on behalf of minor J.M.S.O.; ANA  
15 LUISA DIAZ RIVERA; YOLANDA ORTIZ  
16 DIAZ; EVELYN ORTIZ DIAZ; LUIS  
17 DANIEL ORTIZ DIAZ; DIGNO ORTIZ  
18 DIAZ; FRANCIS I. LOPEZ DIAZ

19 Plaintiffs,

20 vs.

21 HONORABLE JOSE FUENTES  
22 AGOSTINI; PEDRO TOLEDO DAVILA;  
23 ANIBAL SULLIVAN; HECTOR TIRADO;  
24 DANIEL COLON; FRANCISCO BAEZ  
25 QUIÑONES; JESUS FIGUEROA DE  
26 JESUS; CANDELARIA; DISTRICT  
27 ATTORNEYS ULIPIANO CRESPO;  
28 GABRIEL REDONDO; JOSE FIGUEROA;  
JOSE CAPO; Unknown  
District Attorneys, Police and Penal  
Officers who participated; ZOE DIAZ  
COLON; and their CONJUGAL  
PARTNERSHIPS formed by each with  
their respective spouses.

Defendants.

CIVIL NO: ( )

FOR DECLARATORY JUDGMENT,  
DAMAGES, WRONGFUL DEATH,  
(FEDERAL TORT CLAIM ACT),  
VIOLATION OF CONSTITUTIONAL  
CIVIL RIGHTS 42 USC §§ 1981, 1983,  
1985, 1986 / WITH PENDENT STATE  
CLAIMS;  
PERSONAL INJURY AND DAMAGES

JURY TRIAL REQUESTED

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
5510  
5511  
5512  
5513  
5514  
5515  
5516  
5517  
5518  
5519  
5520  
5521  
5522  
5523  
5524  
5525  
5526  
5527  
5528  
5529  
55210  
55211  
55212  
55213  
55214  
55215  
55216  
55217  
55218  
55219  
55220  
55221  
55222  
55223  
55224  
55225  
55226  
55227  
55228  
55229  
55230  
55231  
55232  
55233  
55234  
55235  
55236  
55237  
55238  
55239  
55240  
55241  
55242  
55243  
55244  
55245  
55246  
55247  
55248  
55249  
55250  
55251  
55252  
55253  
55254  
55255  
55256  
55257  
55258  
55259  
55260  
55261  
55262  
55263  
55264  
55265  
55266  
55267  
55268  
55269  
55270  
55271  
55272  
55273  
55274  
55275  
55276  
55277  
55278  
55279  
55280  
55281  
55282  
55283  
55284  
55285  
55286  
55287  
55288  
55289  
55290  
55291  
55292  
55293  
55294  
55295  
55296  
55297  
55298  
55299  
552100  
552101  
552102  
552103  
552104  
552105  
552106  
552107  
552108  
552109  
552110  
552111  
552112  
552113  
552114  
552115  
552116  
552117  
552118  
552119  
552120  
552121  
552122  
552123  
552124  
552125  
552126  
552127  
552128  
552129  
552130  
552131  
552132  
552133  
552134  
552135  
552136  
552137  
552138  
552139  
552140  
552141  
552142  
552143  
552144  
552145  
552146  
552147  
552148  
552149  
552150  
552151  
552152  
552153  
552154  
552155  
552156  
552157  
552158  
552159  
552160  
552161  
552162  
552163  
552164  
552165  
552166  
552167  
552168  
552169  
552170  
552171  
552172  
552173  
552174  
552175  
552176  
552177  
552178  
552179  
552180  
552181  
552182  
552183  
552184  
552185  
552186  
552187  
552188  
552189  
552190  
552191  
552192  
552193  
552194  
552195  
552196  
552197  
552198  
552199  
552200  
552201  
552202  
552203  
552204  
552205  
552206  
552207  
552208  
552209  
552210  
552211  
552212  
552213  
552214  
552215  
552216  
552217  
552218  
552219  
552220  
552221  
552222  
552223  
552224  
552225  
552226  
552227  
552228  
552229  
5522210  
5522211  
5522212  
5522213  
5522214  
5522215  
5522216  
5522217  
5522218  
5522219  
5522220  
5522221  
5522222  
5522223  
5522224  
5522225  
5522226  
5522227  
5522228  
5522229  
55222210  
55222211  
55222212  
55222213  
55222214  
55222215  
55222216  
55222217  
55222218  
55222219  
55222220  
55222221  
55222222  
55222223  
55222224  
55222225  
55222226  
55222227  
55222228  
55222229  
552222210  
552222211  
552222212  
552222213  
552222214  
552222215  
552222216  
552222217  
552222218  
552222219  
552222220  
552222221  
552222222  
552222223  
552222224  
552222225  
552222226  
552222227  
552222228  
552222229  
5522222210  
5522222211  
5522222212  
5522222213  
5522222214  
5522222215  
5522222216  
5522222217  
5522222218  
5522222219  
5522222220  
5522222221  
5522222222  
5522222223  
5522222224  
5522222225  
5522222226  
5522222227  
5522222228  
5522222229  
55222222210  
55222222211  
55222222212  
55222222213  
55222222214  
55222222215  
55222222216  
55222222217  
55222222218  
55222222219  
55222222220  
55222222221  
55222222222  
55222222223  
55222222224  
55222222225  
55222222226  
55222222227  
55222222228  
55222222229  
552222222210  
552222222211  
552222222212  
552222222213  
552222222214  
552222222215  
552222222216  
552222222217  
552222222218  
552222222219  
552222222220  
552222222221  
552222222222  
552222222223  
552222222224  
552222222225  
552222222226  
552222222227  
552222222228  
552222222229  
5522222222210  
5522222222211  
5522222222212  
5522222222213  
5522222222214  
5522222222215  
5522222222216  
5522222222217  
5522222222218  
5522222222219  
5522222222220  
5522222222221  
5522222222222  
5522222222223  
5522222222224  
5522222222225  
5522222222226  
5522222222227  
5522222222228  
5522222222229  
55222222222210  
55222222222211  
55222222222212  
55222222222213  
55222222222214  
55222222222215  
55222222222216  
55222222222217  
55222222222218  
55222222222219  
55222222222220  
55222222222221  
55222222222222  
55222222222223  
55222222222224  
55222222222225  
55222222222226  
55222222222227  
55222222222228  
55222222222229  
552222222222210  
552222222222211  
552222222222212  
552222222222213  
552222222222214  
552222222222215  
552222222222216  
552222222222217  
552222222222218  
552222222222219  
552222222222220  
552222222222221  
552222222222222  
552222222222223  
552222222222224  
552222222222225  
552222222222226  
552222222222227  
552222222222228  
552222222222229  
5522222222222210  
5522222222222211  
5522222222222212  
5522222222222213  
5522222222222214  
5522222222222215  
5522222222222216  
5522222222222217  
5522222222222218  
5522222222222219  
5522222222222220  
5522222222222221  
5522222222222222  
5522222222222223  
5522222222222224  
5522222222222225  
5522222222222226  
5522222222222227  
5522222222222228  
5522222222222229  
55222222222222210  
55222222222222211  
55222222222222212  
55222222222222213  
55222222222222214  
55222222222222215  
55222222222222216  
55222222222222217  
55222222222222218  
55222222222222219  
55222222222222220  
55222222222222221  
55222222222222222  
55222222222222223  
55222222222222224  
55222222222222225  
55222222222222226  
55222222222222227  
55222222222222228  
55222222222222229  
552222222222222210  
552222222222222211  
552222222222222212  
552222222222222213  
552222222222222214  
552222222222222215  
552222222222222216  
552222222222222217  
552222222222222218  
552222222222222219  
552222222222222220  
552222222222222221  
552222222222222222  
552222222222222223  
552222222222222224  
552222222222222225  
552222222222222226  
552222222222222227  
552222222222222228  
552222222222222229  
5522222222222222210  
5522222222222222211  
5522222222222222212  
5522222222222222213  
5522222222222222214  
5522222222222222215  
5522222222222222216  
5522222222222222217  
5522222222222222218  
5522222222222222219  
5522222222222222220  
5522222222222222221  
5522222222222222222  
5522222222222222223  
5522222222222222224  
5522222222222222225  
5522222222222222226  
5522222222222222227  
5522222222222222228  
5522222222222222229  
55222222222222222210  
55222222222222222211  
55222222222222222212  
55222222222222222213  
55222222222222222214  
55222222222222222215  
55222222222222222216  
55222222222222222217  
55222222222222222218  
55222222222222222219  
55222222222222222220  
55222222222222222221  
55222222222222222222  
55222222222222222223  
55222222222222222224  
55222222222222222225  
55222222222222222226  
55222222222222222227  
55222222222222222228  
55222222222222222229  
552222222222222222210  
552222222222222222211  
552222222222222222212  
552222222222222222213  
552222222222222222214  
552222222222222222215  
552222222222222222216  
552222222222222222217  
552222222222222222218  
552222222222222222219  
552222222222222222220  
552222222222222222221  
552222222222222222222  
552222222222222222223  
552222222222222222224  
552222222222222222225  
552222222222222222226  
552222222222222222227  
552222222222222222228  
552222222222222222229  
5522222222222222222210  
5522222222222222222211  
5522222222222222222212  
5522222222222222222213  
5522222222222222222214  
5522222222222222222215  
5522222222222222222216  
5522222222222222222217  
5522222222222222222218  
5522222222222222222219  
5522222222222222222220  
5522222222222222222221  
5522222222222222222222  
5522222222222222222223  
5522222222222222222224  
5522222222222222222225  
5522222222222222222226  
5522222222222222222227  
5522222222222222222228  
5522222222222222222229  
55222222222222222222210  
55222222222222222222211  
55222222222222222222212  
55222222222222222222213  
55222222222222222222214  
55222222222222222222215  
55222222222222222222216  
55222222222222222222217  
55222222222222222222218  
55222222222222222222219  
55222222222222222222220  
55222222222222222222221  
55222222222222222222222  
55222222222222222222223  
55222222222222222222224  
55222222222222222222225  
55222222222222222222226  
55222222222222222222227  
55222222222222222222228  
55222222222222222222229  
552222222222222222222210  
552222222222222222222211  
552222222222222222222212  
552222222222222222222213  
552222222222222222222214  
552222222222222222222215  
552222222222222222222216  
552222222222222222222217  
552222222222222222222218  
552222222222222222222219

1 allege and pray as follows:

2                   **1. NATURE OF ACTION/PRELIMINARY STATEMENT**

3       1. This is a civil action for the violation of civil rights of Carmelo Velazquez Colon,  
4                   Orlando Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz, Jesus  
5                   Manuel Ortiz Diaz all United States citizens, resident of Guayama, Puerto Rico, and  
6                   for the wrongful death of Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz.  
7       2. All plaintiffs ask for compensatory damages, against defendants prosecutors of the  
8                   Puerto Rico Justice Department, the police officers of the Puerto Rico Police  
9                   Department and a paid informant, who under color of law, fabricated and conspired  
10                  aiding and abetting one another, to deprive Carmelo Velazquez Colon, Orlando  
11                  Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz, and Jesus  
12                  Manuel Ortiz Diaz of their constitutional rights and privileges scheming a vitiated  
13                  legal process.  
14       3. It is alleged that Defendants, officers, agents and employees, in their official and  
15                  individual capacities were involved in intentional conduct, in reckless and/or  
16                  conscious disregard, with deliberate indifference for the civil rights and liberty  
17                  interests of Carmelo Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced  
18                  Gomez, Leopoldo Sanabria Diaz, Jesus Manuel Ortiz Diaz, which resulted in the  
19                  deprivation of plaintiffs civil and constitutional rights and caused said plaintiffs to  
20                  suffer physical, mental and emotional distress and wrongful death to Leopoldo  
21                  Sanabria Diaz and Jesus Manuel Ortiz Diaz.  
22       4. Following an illegal scheme, in order to secure convictions and create the false  
23                  appearance that the unsolved murders occurring in the Guayama District were  
24                  solved, the Justice Department Prosecutors and the Police Officers, fabricated  
25                  evidence and induced and threatened a paid informant to provide false testimony,  
26                  leading to criminal charges, malicious prosecution and the conviction of Carmelo  
27                  Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced Gomez, Leopoldo

28 Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 Sanabria Diaz, and Jesus Manuel Ortiz Diaz, for murder, conspiracy and weapons  
2 law, being sentenced to serve 110 years in jail.

3 5. While serving time in jail, Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz, in  
4 their utter desperation, evidenced by their medical records committed suicide, when  
5 left unattended by the Penal Officers, contrary to medical warnings of said  
6 foreseeable conduct.

7 6. Local tort law is invoked against defendants for malicious prosecution, invasion of  
8 privacy, intentional infliction of emotional distress, false arrest and imprisonment,  
9 defamation, libel and other tortious conduct charged.

10 7. The actions of each of the officers and agents, and those presently unidentified  
11 defendants, in witnessing and condoning or failing to prevent the conduct and  
12 application of unlawful policies of their fellow officers and employees, deprived  
13 Carmelo Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced Gomez,  
14 Leopoldo Sanabria Diaz, and Jesus Manuel Ortiz Diaz, of their Fourth, Eighth and  
15 Fourteenth Amendment right to be free from summary punishment, cruel and  
16 unusual punishment (without due process of law), deprived them of the right to  
17 necessary and reasonable medical treatment, subjected them to false and unlawful  
18 arrest, false and unlawful imprisonment, deprived Leopoldo Sanabria Diaz and  
19 Jesus Manuel Ortiz Diaz of life and deprived the named family members of society,  
20 companionship and support. Each of the Defendants had a duty to prevent the  
21 unlawful acts complained of herein and they were ostensibly acting within the scope  
22 of office or employment.

## 2. JURISDICTION AND VENUE

23 8. The jurisdiction of this Court is invoked pursuant to the provisions of 28 USC §§  
24 1331and 1343. This action arises under the Fourth, Eighth and Fourteenth (due  
25 process) Amendments to the U.S. Constitution; pursuant to 42 USC §§ 1983 and  
26 1988, the Civil Rights Act of 1870 (42 USC § 1981) discrimination based on race or  
27

28 Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

alienage, the Civil Rights Act of 1871 (42 USC §§1985, 1986) (and pendent jurisdiction is asserted over Plaintiff's state law claim under 28 USC § 1367; false arrest, false imprisonment and wrongful death, to which Plaintiff asserts § 1346(b) as provided by 28 USC § 2680(h). All of the acts and practices alleged herein, resulting in the conviction and imprisonment of Carmelo Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz, and Jesus Manuel Ortiz Diaz, and the deaths of the last two, that occurred one in the Guayama District jail, and the other at Ponce jail, Puerto Rico, all of which are within the jurisdiction of the United States District Court, District of Puerto Rico.

This Honorable Court should invoke its supplemental jurisdiction to hear and adjudicate the claims arising under the Constitution of the Commonwealth of Puerto Rico (Article II, § 7, 8 and 10) and its local laws (Articles 1802 and 1803 of the PR Civil Code, 32 LPRA § 5141 and 5142), so intimately related that they all form part of the same case or controversy, under Article III of the US Constitution.

Jury Trial is requested by Plaintiffs.

### **3. STATUTE OF LIMITATIONS / CIVIL ACTIONS AGAINST INDIVIDUAL EMPLOYEES**

Plaintiffs file this suit to protect the statute of limitations on any cause of action not limited to the provisions of the local Torts laws. Plaintiffs assert that although common law torts committed within the scope of employment may result in substitution of the Local Government as a sole party, principles of employee immunity do not preclude civil actions against the employees for violations of Plaintiffs' constitutional rights or violation of a federal statute that authorizes suit against an individual. 28 USC § 2679(b)(2). Plaintiffs assert Bivens claims against individual defendants in their individual/personal capacity.

### **4. PARTIES**

Plaintiffs, CARMELO VELAZQUEZ COLON ("VELAZQUEZ"), CARMELO COLON

Suites 601 & 602-A

CIVIL RIGHTS CLAIM

Banco Cooperativo Plaza

623 Ponce de León Avenue

San Juan, Puerto Rico 00917

OPMLAW@YAHOO.COM

1 RIVERA; ORLANDO COLON VELAZQUEZ; ORLANDO RAMOS FELIX ("RAMOS");  
2 JOSE ANTONIO FELIX; ELISEO RAMOS FELIX; HECTOR JULIO MERCED  
3 GOMEZ ("MERCED"); JUAN MARCOS MERCED GOMEZ; HECTOR MERCED  
4 RODRIGUEZ; MARIA E. GOMEZ VELAZQUEZ; LEOPOLDO SANABRIA  
5 MORALES, MARIBEL ORTIZ VAZQUEZ are of legal age, citizens of the United  
6 States of America and residents of the Commonwealth of Puerto Rico.

7 13. MARIBEL ORTIZ VAZQUEZ appears on behalf her minor son J.M.S.O., as legal  
8 heir to the Estate of her common law husband Deceased Leopoldo Sanabria Diaz,  
9 who died in jail.

10 14. ANA LUISA DIAZ RIVERA, mother of Jesus Manuel Ortiz Diaz, and YOLANDA  
11 ORTIZ DIAZ; EVELYN ORTIZ DIAZ; LUIS DANIEL ORTIZ DIAZ; DIGNO ORTIZ  
12 DIAZ; FRANCIS I. LOPEZ DIAZ, are brothers and sisters of Jesus Manuel Ortiz  
13 Diaz, are of legal age, citizens of the United States of America and residents of the  
14 States of Connecticut and Massachusetts.

15 15. JOSEFA FELIX is the mother of Orlando Ramos Felix, of legal age, citizen of the  
16 United States of America and residents of the state of California.

17 16. JOSE ANTONIO FELIX and ELISEO RAMOS FELIX, are the brothers of Orlando  
18 Ramos Felix.

19 17. CARMELO COLON RIVERA is the father of Carmelo Velazquez Colon; ORLANDO  
20 COLON VELAZQUEZ is his brother.

21 18. JUAN MARCOS MERCED GOMEZ; HECTOR MERCED RODRIGUEZ; MARIA E.  
22 GOMEZ VELAZQUEZ, are respectively brother, father and mother of Hector Julio  
23 Merced Gomez.

24 19. LEOPOLDO SANABRIA MORALES, is the father of Leopoldo Sanabria Diaz who  
25 died in jail after 5 years of incarceration, when he became aware that the Appellate  
Court denied the new trial appeal.

26 20. The Defendants are: HONORABLE JOSE FUENTES AGOSTINI ("FUENTES");

27 Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 PEDRO TOLEDO DAVILA (“TOLEDO”); ANIBAL SULLIVAN; HECTOR TIRADO;  
2 DANIEL COLON; FRANCISCO BAEZ QUIÑONES; JESUS FIGUEROA DE JESUS;  
3 CANDELARIA; DISTRICT ATTORNEYS ULIPIANO CRESPO; GABRIEL  
4 REDONDO; JOSE FIGUEROA; JOSE CAPO; Unknown District Attorneys, Police  
5 and Penal Officers who participated; ZOE DIAZ COLON; and their CONJUGAL  
6 PARTNERSHIPS formed by each with their respective spouses.

7 21. At all times material herein, FUENTES was the Justice Department Secretary,  
8 whose policies and practices were enforced, acting as such under color of local law.  
9 He is sued in his individual capacity.

10 22. At all times material herein, TOLEDO, was the Police Superintendent, whose  
11 policies and practices were enforced, acting as such under color of local law. He is  
12 sued in his individual capacity.

13 23. At all times material herein, SULLIVAN and TIRADO were Police Captains assigned  
14 to Guayama Criminal Investigations Corps (hereafter referred to as CIC), whose  
15 policies and practices were enforced, acting as such under color of local law. They  
16 are sued in their individual capacity.

17 24. At all times material herein COLON was a Police Sergeant assigned to the  
18 Guayama CIC a whose policies and practices were enforced, acting as such under  
19 color of local law. He is sued in his individual capacity.

20 25. At all times material herein, BAEZ, FIGUEROA DE JESUS, CANDELARIA, and  
21 other at the present time unknown Police Officers, were the investigating agents  
22 assigned to the Guayama CIC, office, acting as such under color of local Law. They  
23 are sued in their individual capacities.

24 26. At all times material herein, at the present time Unknown Penal Officers,  
25 responsible for the custody and care of Leopoldo Sanabria Diaz and Jesus Manuel  
26 Ortiz Diaz, while at their jail, acting under color of law, negligently allowed their  
deaths, under their care. They are sued in their individual capacities.

27 Suites 601 & 602-A  
28 Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1       27. At all times material herein, FUENTES, TOLEDO, SULLIVAN, TIRADO, COLON,  
2           and some presently unknown Police Officers, were responsible for the conduct,  
3           discipline, supervision and policies carried out by the lower ranking Police Officers,  
4           in particular the Guayama CIC members and their compliance with applicable laws  
5           and regulations. They were responsible for their subordinate district attorneys  
6           defendants' hiring, selection, training, supervision, discipline, suspension,  
7           termination and management of confidential informants, and compliance with  
8           applicable laws and regulations.

9       28. At all times material herein, CRESPO, REDONDO, FIGUEROA, CAPO and  
10           presently unknown District Attorneys, were acting as such and are sued in their  
11           individual capacities.

12      29. Since August 2, 1995, DIAZ-COLON, was a hired confidential informant under  
13           contract with the CIC. Said information was intentionally hidden and not disclosed  
14           to defense counsel, during all the criminal proceedings that she testified. The PR  
15           Supreme Court on the basis of this improper conduct, ordered a new trial.

16      30. At all times material herein, DIAZ-COLON, was lacking read and writing skills, had  
17           lost custody of her two minor children, lacked a steady income source, and  
18           according to Psychiatric evaluations was diagnosed as suffering from a slight level  
19           of mental retardation.

#### COMMON FACTS

20     31. On or around the summer of 1998, in a futile effort to give the impression of solving  
21           various murders that had occurred in the Guayama District, with the acquiescence  
22           and/or lack of supervision of defendants, TOLEDO, SULLIVAN, TIRADO, AND  
23           FUENTES, codefendants, BAEZ, FIGUEROA, CANDELARIA, in active participation  
24           of prosecutors, CAPO, CRESPO, REDONDO, FIGUEROA, and confidential  
25           informant, DIAZ-COLON, with other unknown individuals, conspired with each other  
26           and/or aided and abetted one another, in a scheme to fabricate false charges and

27           Suites 601 & 602-A  
28           Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 maliciously prosecute a group of innocent individuals, charging them for various  
2 murders that remained unsolved in the Guayama region.

32. In order to further their scheme, they trained Zoe Diaz Colon, on what and how to  
4 testify and provide sworn statements, was taken to the scene of all crimes, shown  
5 evidence and photos possessed by the district attorneys, thus securing the charging  
6 of capital crimes against the innocent individuals, and at trial using Zoe Diaz Colon  
7 as their only witness obtain convictions.

33. Upon information and belief, in order to proceed with the conspiracy, district  
Attorney CAPO, after discussing the matter with agent, FIGUEROA DE JESUS,  
gave the order to his subordinates prosecutors, to take Zoe Diaz Colon's statement  
under oath, to validate the filing of criminal charges against the innocent individuals.

34. This gave rise to Zoe Diaz Colon's multiple sworn statements to prosecutor  
FIGUEROA, in the presence of Baez-Quiñones, all following a similar pattern, that  
she was present and overheard that they were going to kill a person, that after  
committing the murder, she overheard them admitting that they had killed the  
person.

35. Thus as requested by defendant agents and district attorneys, Zoe Diaz Colon gave  
sworn statements containing similar facts sufficient to sustain findings of probable  
cause for murder against Carmelo Velazquez Colon, Orlando Ramos Felix, Hector  
Julio Merced Gomez, Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz, in  
connection with unrelated murders in the Guayama region.

36. These murders were of Julio Antonio Peña (herein after referred to as "**Peña**"),  
which occurred on November 5, 1995; Rafael Colombia Ortiz, (herein after referred  
to as "**Colombia**"), on August 3, 1995, and Edgard Mariani Cordero, (herein after  
referred to as "**Mariani**"), on November 19, 1994.

37. More than three years had passed with these open cases in Guayama, and  
pressure was mounting from the relatives of the deceased, from the Police and

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 Justice hierarchy who publicly had announce a “Mano Dura against Crime” (Strong  
2 Hand) policy.

3 38. Thus following this conspiracy, on June 11, 1998, accompanied by Baez-Quiñones,  
4 Zoe Diaz Colon goes before Prosecutor Figueroa, and gives two sworn statements,  
5 to solve the **Peña and Colombia cases**. Both statements following a similar  
6 pattern, (that she was present and overheard that they were going to kill a person,  
7 that after committing the murder, she overheard them admitting that they had killed  
8 the person).

9 39. As a result, in the **Colombia** case, Leopoldo Sanabria Diaz, Orlando Ramos Felix  
10 and Carmelo Velazquez Colon, are implicated and charged for the murder. See,  
11 *Pueblo v Carmelo Velazquez Colon*, 2008 TSPR 124, at page 15. In Zoe Diaz  
12 Colon’s statement she makes reference to other potential witnesses, who were with  
13 her, none were interviewed by the investigating agents nor the district attorneys  
14 involved, were never offered as witnesses by the prosecution and were never found  
15 by the defense. In fact, her first report of these events, comes essentially three  
16 years after her alleged witnessing of the crime. See, *Pueblo v Carmelo Velazquez*  
17 *Colon*, 2008 TSPR 124, at page 10-11.

18 40. As a result, in the **Peña** case, Jesus Manuel Ortiz Diaz, and Hector Julio Merced  
19 Gomez, are implicated and charged for the murder. They were wrongly charged  
20 with, *inter alia*, Conspiracy, First Degree Murder and Weapons Law Violations, in  
connection with the Peña case, before the Guayama Court.

21 41. Likewise, in the **Colombia** case, Leopoldo Sanabria Diaz, Orlando Ramos Felix and  
22 Carmelo Velazquez Colon, are implicated and charged for the murder. They were  
23 wrongly charged with, *inter alia*, Conspiracy, First Degree Murder and Weapons  
24 Law Violations, in connection with the **Colombia** case, before the Guayama Court.

25 42. These criminal defendants, during pretrial proceedings, repeatedly requested from  
26 the District Attorneys, all exculpatory evidence, contracts or agreements with Zoe  
27

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 Diaz Colon, documentary evidence related to witnesses, Police reports and notes.

2 See, *Pueblo v Carmelo Velazquez Colon*, 2008 TSPR 124, at page 2-6. The  
3 Prosecution denied the existence of the same.

4 43. Thus the **Colomba and Peña** cases, proceeded to separate trials with the sole  
5 fabricated testimony of Zoe Diaz Colon and a total absence of probable cause,  
6 against Carmelo Velazquez Colon, Orlando Ramos Felix and Leopoldo Sanabria  
7 Diaz in the **Colomba** and Hector Julio Merced Gomez and Jesus Manuel Ortiz Diaz  
8 in the **Peña** case.

9 44. On the start of the **Colomba** trial, for the first time, the Prosecution provides the  
10 defense, with police reports and notes, as recently found. These documents  
11 disclosed to the defense, the names of interviewed witnesses, whose statements  
12 contradicted Zoe Diaz Colon. See, *Pueblo v Carmelo Velazquez Colon*, 2008 TSPR  
13 124, at page 3-8.

14 45. With the sole testimony of Zoe Diaz Colon, Hector Julio Merced Gomez and Jesus  
15 Manuel Ortiz Diaz were convicted in the **Peña** case, of Conspiracy, First Degree  
16 Murder and Weapons Law Violations, and sentenced on July 16, 1999, to a term  
17 of imprisonment of 110 years.

18 46. Jesus Manuel Ortiz Diaz, under the duress and desperation of his situation, sixteen  
19 days after his conviction, while imprisoned committed suicide on August 2, 1999.  
20 Unknown Penal Officers, are responsible for his custody and care, while at their jail,  
21 acting under color of law, negligently allowed his death, under their care, when there  
22 were signs that his conduct warranted protective measures.

23 47. With the sole testimony of Zoe Diaz Colon, Carmelo Velazquez Colon, Orlando  
24 Ramos Felix and Leopoldo Sanabria Diaz were convicted in the **Colomba** case, of  
25 Conspiracy, First Degree Murder and Weapons Law Violations, and sentenced on  
September 24, 1999, to a term of imprisonment of 108 years.

26 48. Defendant Zoe Diaz Colon, received various payments for her testimony and sworn  
27

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 statements provided in both **Colombia and Peña** cases. See, *Pueblo v Carmelo*  
2 *Velazquez Colon*, 2008 TSPR 124, at page 15. She felt remorse upon learning that  
3 Jesus Manuel Ortiz Diaz, committed suicide in jail, to such an extent that led her to  
4 a suicide attempt, and finally to provide a sworn statement, on May 5, 2001, wherein  
5 she recanted her testimonies in the **Colombia, Peña and Mariani** cases.

6 49. Zoe Diaz Colon stated she never witnessed nor had any personal knowledge  
7 whatsoever with the deaths of **Peña, Colombo or Mariani**. That she falsely testified  
8 acting under pressure from the agents and prosecutors, who represented  
9 authorization from the higher ups at the Justice Department, to provide her with a  
10 house, cash for every one of the cases she participated, and recover the custody  
11 of her children. That she was provided all the details of each respective murder,  
12 shown photos, taken to the respective scenes and schooled as to the testimony  
13 needed to convict the innocent plaintiffs. More than 10 schooling sessions were  
14 practiced with the agents.

15 50. Specifically Zoe Diaz Colon mentions prosecutors Crespo and Redondo, who  
16 offered her cash, a house, an asthma therapy machine and the recovery of the  
17 custody of her children.

18 51. This May 5, 2001, Zoe Diaz Colon sworn statement provided the defense, for the  
19 first time, the information that she was a paid informer under contract with the CIC,  
20 since August 2, 1995 (the day before **Colombia's** murder) and that she was also  
21 paid for each statement provided. See, *Pueblo v Carmelo Velazquez Colon*, 2008  
22 TSPR 124, at page 15.

23 52. On the basis of newly acquired evidence, a new trial motion was filed in the  
24 Colombo case at the Guayama Court. It was denied and an appeal ensued.

25 53. Upon learning that the Appellate Court denied his appeal, on May 18, 2003,  
26 Leopoldo Sanabria Diaz whose mental condition and record showed clear evidence  
27 of suicidal ideas, was negligently remove to a new ward in the Guayama Jail and

28 Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 left alone, without supervision, and he also, committed suicide by hanging himself  
2 in his new cell.

3 54. On final appeal and reconsideration, the Puerto Rico Supreme Court ordered a new  
4 trial, after finding that the prosecution impermissibly withheld critical impeachment  
5 evidence from the defense, such as the undisclosed informer contract to Zoe Diaz  
6 Colon; the never “lost and found” police report and notes containing names of  
7 possible witnesses interviewed that gave contradictory evidence. See, *Pueblo v*  
8 *Carmelo Velazquez Colon*, 2008 TSPR 124, at page 54-56.

9 55. Upon returning the case for a new trial hearing at the Guayama Court, the  
10 prosecution asked for the dismissal of all charges, against Carmelo Velazquez  
11 Colon, Orlando Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz  
12 and Jesus Manuel Ortiz Diaz, the last two posthumously. Even though the hearing  
13 took place on February 10, 2009, the actual release from jail and final notification  
14 of these judgements is of October 1, 2009.

15 56. The nucleus of this conspiracy involves all defendants in different capacities. From  
16 the agents, Baez-Quiñones, Figueroa De Jesus and Candelaria, to the Prosecutors,  
17 Capo, Crespo, Redondo, Figueroa, to confidential Informant Zoe Diaz Colon, and  
18 unknown other individuals, knowingly and willfully, under color of law, conspired with  
19 each other and/or aided and abetted one another to subject, and did subject,  
20 Carmelo Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced Gomez,  
21 Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz, to the deprivation of their  
22 constitutional right, not to be deprived of liberty pursuant to legal process. In  
23 furtherance of this conspiracy, the indicated above defendants, fabricated and  
24 concocted false evidence that was necessary for a finding of probable cause  
25 against Carmelo Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced  
26 Gomez, Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz. Further, the  
27 prosecuting defendants knowingly withheld exculpatory evidence, which exonerated  
28

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1       these criminal defendants from the charges they were facing in the **Peña and**  
 2       **Colomba** cases. They maliciously prosecuted Carmelo Velazquez Colon, Orlando  
 3       Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz and Jesus  
 4       Manuel Ortiz Diaz, for capital crimes.

57. Toledo, Sullivan, Tirado, Colon and other commanding officers of the Police,  
 6       displayed a reckless or callous indifference to the rights of those citizens, with whom  
 7       Baez-Quiñones, Figueroa De Jesus, Candelaria and other police officers, would  
 8       come into contact, including Carmelo Velazquez Colon, Orlando Ramos Felix,  
 9       Hector Julio Merced Gomez, Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz.  
 10      Those who order or instigate, even without actively participating in the detention act,  
 11      are also responsible. *Luis Ayala Córdova v. San Juan Racing Corporation*, 112 DPR  
 12      804.

58. Fuentes and other supervisory prosecutor defendants, displayed a reckless or  
 13      callous indifference to the rights of those citizens, whom Capo, Crespo, Redondo,  
 14      Figueroa, prosecuted in the Guayama district, including Carmelo Velazquez Colon,  
 15      Orlando Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz and  
 16      Jesus Manuel Ortiz Diaz. Those who order or instigate, even without actively  
 17      participating in the detention act, are also responsible. *Luis Ayala Córdova v. San*  
 18      *Juan Racing Corporation*, 112 DPR 804.

59. The defendants' acts or omissions were the proximate cause of all the damages  
 20      sustained by plaintiffs, stated hereinafter. Therefore, according to local law,  
 21      defendants are jointly and solidarily responsible for all the damages, caused upon  
 22      plaintiffs. *Ramos v. Caparra Dairy, Inc.*, 116 D.P.R. 60 (1985); *Soc. de Gananciales*  
 23      *v. Soc. de Gananciales*, 109 D.P.R. 279 , 288 (1979); *Merle v. West Bend Co.*, 97  
 24      D.P.R. 403 , 405 (1969); *Serralta v. Martínez Rivera*, 97 D.P.R. 466 , 470 (1969);  
 25      *Torres v. A.M.A.*, 91 D.P.R. 714 , 717 (1965); *Marcano Torres v. Fuentes Fluviales*,  
 26      91 D.P.R. 654 , 659 (1965); *Cortijo Walker v. Fuentes Fluviales*, 91 D.P.P-574, 581

27      Suites 601 & 602-A  
 28      Banco Cooperativo Plaza  
       623 Ponce de León Avenue  
       San Juan, Puerto Rico 00917  
       OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

(1964); *García v. Gobierno de la Capital*, 72 D.P.R. 138 (1951) and *Díaz Bonilla v. Tribunal Superior*, 98 D.P.R. 49 (1969).

## FIRST CAUSE OF ACTION

60. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.
61. This cause of action arises under the federal civil rights statutes.
62. The defendants performed illegal acts that operated to deprive Carmelo Velazquez Colon of one or more of his federal constitutional rights, by perverting the legal process to deprive him of his liberty interests.
63. As a direct result of the deprivation of his civil rights, Carmelo Velazquez Colon was incarcerated for close to 10 years, close to six (6) years of which were spent in Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life in jail, of being a victim of attack by other violent prisoners; harm to his reputation and credit; hardship, humiliation and inconveniences suffered; loss of company of his family and dear ones, during imprisonment; has been branded as a convict for murder; is suffering and will continue to suffer severe and permanent mental, psychological, moral and emotional pain, anguish and distress; and, has sustained loss of happiness and capacity to enjoy life; and his capacity to perform activities common to a man of his age, and sex, have been impaired as a result.
64. The defendants engaged in the unlawful conduct in question with malice, recklessness or indifference to the federally protected rights of Carmelo Velazquez Colon. He is entitled to receive an award for punitive or exemplary damages, which will serve as punishment and deterrence for such unlawful conduct.

**THEREFORE**, Carmelo Velazquez Colon, demands that Judgement be entered in his favor and against the defendants, awarding him the amount of **TEN MILLION DOLLARS (\$10,000.000.00)** in compensatory and punitive damages; awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

further relief that under the circumstances this Honorable Court finds appropriate.

## SECOND CAUSE OF ACTION

65. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.

66. This cause of action arises out of the Puerto Rico general tort statutes.

67. The defendants, intentionally, recklessly and/or negligently, caused Carmelo Velazquez Colon to be subject of malicious prosecution, intentional infliction of emotional distress, invasion of his privacy, false arrest, false imprisonment, defamation, libel and other extreme outrageous conduct.

68. As a direct result of the defendants fault or negligence, Carmelo Velazquez Colon was incarcerated for close to 10 years, close to six (6) years of which were spent in Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life in jail, of being a victim of attack by other violent prisoners; harm to his reputation and credit; hardship, humiliation and inconveniences suffered; loss of company of his family and dear ones, during imprisonment; has been branded as a convict for murder; is suffering and will continue to suffer severe and permanent mental, psychological, moral and emotional pain, anguish and distress; and, has sustained loss of happiness and capacity to enjoy life; and his capacity to perform activities common to a man of his age, and sex, have been impaired as a result.

69. Carmelo Velazquez Colon suffered loss of income for 10 years, and as a result a diminished capacity of earning a living, being branded as an exconvict. These are estimated in no less than \$300,000.00, which are claimed.

**THEREFORE**, Carmelo Velazquez Colon, demands that Judgement be entered in his favor and against the defendants, awarding him the amount of **TEN MILLION DOLLARS (\$10,000.000.00)** in compensatory; awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

## THIRD CAUSE OF ACTION

70. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.

71. This cause of action arises out of the Puerto Rico general tort statutes.

72. As a consequence of Carmelo Velazquez Colon, wrongful incarceration and his resultant emotional damages, his father, Carmelo Colon Rivera, and his brother, Orlando Velazquez Colon, lost the company and legal right to maintain a family relationship with Carmelo Velazquez Colon during the close to 10 years he was wrongfully incarcerated; they suffered, are suffering and will continue to suffer the loss of company, care, affection, moral support, pleasure and enjoyment of each others company, but for the actions of defendants, which have caused them to sustain permanent mental, moral, emotional pain, anguish and distress.

**THEREFORE**, his father, Carmelo Colon Rivera, and his brother, Orlando Velazquez Colon, demand that Judgement be entered in their favor and against defendants, awarding each of them the amount of **TWO MILLION DOLLARS (\$2,000.000.00)** in compensatory damages, awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

## FOURTH CAUSE OF ACTION

73. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.

74. This cause of action arises under the federal civil rights statutes.

75. The defendants performed illegal acts that operated to deprive Orlando Ramos Felix of one or more of his federal constitutional rights, by perverting the legal process to deprive him of his liberty interests.

76. As a direct result of the deprivation of his civil rights, Orlando Ramos Felix was incarcerated for close to 10 years, close to six (6) years of which were spent in

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

1 Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life  
 2 in jail, of being a victim of attack by other violent prisoners; harm to his reputation  
 3 and credit; hardship, humiliation and inconveniences suffered; loss of company of  
 4 his family and dear ones, during imprisonment; has been branded as a convict for  
 5 murder; is suffering and will continue to suffer severe and permanent mental,  
 6 psychological, moral and emotional pain, anguish and distress; and, has sustained  
 7 loss of happiness and capacity to enjoy life; and his capacity to perform activities  
 8 common to a man of his age, and sex, have been impaired as a result.

9 77. The defendants engaged in the unlawful conduct in question with malice,  
 10 recklessness or indifference to the federally protected rights of Orlando Ramos  
 11 Felix. He is entitled to receive an award for punitive or exemplary damages, which  
 12 will serve as punishment and deterrence for such unlawful conduct.

13 **THEREFORE, Orlando Ramos Felix,** demands that Judgement be entered in his favor  
 14 and against the defendants, awarding him the amount of **TEN MILLION DOLLARS**  
 15 (**\$10,000.000.00**) in compensatory and punitive damages; awarding him reasonable  
 16 attorney's fees, the costs of this action and post-judgement interests; and granting any  
 17 further relief that under the circumstances this Honorable Court finds appropriate.

#### FIFTH CAUSE OF ACTION

18 78. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and  
 19 INCORPORATE them as though fully set forth at this point.

20 79. This cause of action arises out of the Puerto Rico general tort statutes.

21 80. The defendants, intentionally, recklessly and/or negligently, caused Orlando Ramos  
 22 Felix to be subject of malicious prosecution, intentional infliction of emotional  
 23 distress, invasion of his privacy, false arrest, false imprisonment, defamation, libel  
 24 and other extreme outrageous conduct.

25 81. As a direct result of the defendants fault or negligence, Orlando Ramos Felix was  
 26 incarcerated for close to 10 years, close to six (6) years of which were spent in

27 Suites 601 & 602-A  
 Banco Cooperativo Plaza  
 623 Ponce de León Avenue  
 San Juan, Puerto Rico 00917  
 OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life  
 2 in jail, of being a victim of attack by other violent prisoners; harm to his reputation  
 3 and credit; hardship, humiliation and inconveniences suffered; loss of company of  
 4 his family and dear ones, during imprisonment; has been branded as a convict for  
 5 murder; is suffering and will continue to suffer severe and permanent mental,  
 6 psychological, moral and emotional pain, anguish and distress; and, has sustained  
 7 loss of happiness and capacity to enjoy life; and his capacity to perform activities  
 8 common to a man of his age, and sex, have been impaired as a result.

9 82. Orlando Ramos Felix suffered loss of income for 10 years, and as a result a  
 10 diminished capacity of earning a living, being branded as an exconvict. These are  
 11 estimated in no less than \$300,000.00, which are claimed.

12 **THEREFORE, Orlando Ramos Felix**, demands that Judgement be entered in his favor  
 13 and against the defendants, awarding him the amount of **TEN MILLION DOLLARS**  
 14 (**\$10,000.000.00**) in compensatory; awarding him reasonable attorney's fees, the costs  
 15 of this action and post-judgement interests; and granting any further relief that under the  
 16 circumstances this Honorable Court finds appropriate.

#### SIXTH CAUSE OF ACTION

17 83. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and  
 18 INCORPORATE them as though fully set forth at this point.

19 84. This cause of action arises out of the Puerto Rico general tort statutes.

20 85. As a consequence of Orlando Ramos Felix, wrongful incarceration and his resultant  
 21 emotional damages, his mother, Josefa Felix, and his brothers, Jose Antonio and  
 22 Eliseo Ramos Felix, lost the company and legal right to maintain a family  
 23 relationship with Orlando Ramos Felix during the close to 10 years he was  
 24 wrongfully incarcerated; they suffered, are suffering and will continue to suffer the  
 25 loss of company, care, affection, moral support, pleasure and enjoyment of each  
 26 others company, but for the actions of defendants, which have caused them to

27 Suites 601 & 602-A  
 Banco Cooperativo Plaza  
 623 Ponce de León Avenue  
 San Juan, Puerto Rico 00917  
 OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

sustain permanent mental, moral, emotional pain, anguish and distress.

**THEREFORE**, his mother, Josefa Felix, and his brothers, Jose Antonio and Eliseo Ramos Felix, demand that Judgement be entered in their favor and against defendants, awarding each of them the amount of **TWO MILLION DOLLARS (\$2,000.000.00)** in compensatory damages, awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

## SEVENTH CAUSE OF ACTION

86. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.
87. This cause of action arises under the federal civil rights statutes.
88. The defendants performed illegal acts that operated to deprive Hector Julio Merced Gomez of one or more of his federal constitutional rights, by perverting the legal process to deprive him of his liberty interests.
89. As a direct result of the deprivation of his civil rights, Hector Julio Merced Gomez was incarcerated for close to 10 years, close to six (6) years of which were spent in Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life in jail, of being a victim of attack by other violent prisoners; harm to his reputation and credit; hardship, humiliation and inconveniences suffered; loss of company of his family and dear ones, during imprisonment; has been branded as a convict for murder; is suffering and will continue to suffer severe and permanent mental, psychological, moral and emotional pain, anguish and distress; and, has sustained loss of happiness and capacity to enjoy life; and his capacity to perform activities common to a man of his age, and sex, have been impaired as a result.
90. The defendants engaged in the unlawful conduct in question with malice, recklessness or indifference to the federally protected rights of Hector Julio Merced Gomez. He is entitled to receive an award for punitive or exemplary damages, which

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

will serve as punishment and deterrence for such unlawful conduct.

**THEREFORE**, **Hector Julio Merced Gomez**, demands that Judgement be entered in his favor and against the defendants, awarding him the amount of **TEN MILLION DOLLARS (\$10,000.000.00)** in compensatory and punitive damages; awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

## **EIGHT CAUSE OF ACTION**

91. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.
92. This cause of action arises out of the Puerto Rico general tort statutes.
93. The defendants, intentionally, recklessly and/or negligently, caused Hector Julio Merced Gomez to be subject of malicious prosecution, intentional infliction of emotional distress, invasion of his privacy, false arrest, false imprisonment, defamation, libel and other extreme outrageous conduct.
94. As a direct result of the defendants fault or negligence, Hector Julio Merced Gomez was incarcerated for close to 10 years, close to six (6) years of which were spent in Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life in jail, of being a victim of attack by other violent prisoners; harm to his reputation and credit; hardship, humiliation and inconveniences suffered; loss of company of his family and dear ones, during imprisonment; has been branded as a convict for murder; is suffering and will continue to suffer severe and permanent mental, psychological, moral and emotional pain, anguish and distress; and, has sustained loss of happiness and capacity to enjoy life; and his capacity to perform activities common to a man of his age, and sex, have been impaired as a result.
95. Hector Julio Merced Gomez suffered loss of income for 10 years, and as a result a diminished capacity of earning a living, being branded as an exconvict. These are estimated in no less than \$300,000.00, which are claimed.

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

**THEREFORE**, **Hector Julio Merced Gomez**, demands that Judgement be entered in his favor and against the defendants, awarding him the amount of **TEN MILLION DOLLARS (\$10,000.000.00)** in compensatory; awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

## NINTH CAUSE OF ACTION

96. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.

97. This cause of action arises out of the Puerto Rico general tort statutes.

98. As a consequence of Hector Julio Merced Gomez, wrongful incarceration and his resultant emotional damages, his parents, Hector Merced Rodriguez and Maria E. Gomez Velazquez, and his brother, Juan Marcos Merced Gomez, lost the company and legal right to maintain a family relationship with Hector Julio Merced Gomez during the close to 10 years he was wrongfully incarcerated; they suffered, are suffering and will continue to suffer the loss of company, care, affection, moral support, pleasure and enjoyment of each others company, but for the actions of defendants, which have caused them to sustain permanent mental, moral, emotional pain, anguish and distress.

**THEREFORE**, his parents, Hector Merced Rodriguez and Maria E. Gomez Velazquez, and his brother, Juan Marcos Merced Gomez, demand that Judgement be entered in their favor and against defendants, awarding each of them the amount of **TWO MILLION DOLLARS (\$2,000.000.00)** in compensatory damages, awarding him reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

## TENTH CAUSE OF ACTION

99. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

1 100. This cause of action arises under the federal civil rights statutes.

2 101. The defendants performed illegal acts that operated to deprive Leopoldo Sanabria  
3 Diaz of one or more of his federal constitutional rights, by perverting the legal  
4 process to deprive him of his liberty interests.

5 102. As a direct result of the deprivation of his civil rights, Leopoldo Sanabria Diaz was  
6 incarcerated for close to 7 years, close to six (6) years of which were spent in  
7 Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life  
8 in jail, of being a victim of attack by other violent prisoners; harm to his reputation  
9 and credit; hardship, humiliation and inconveniences suffered; loss of company of  
10 his family and dear ones, during imprisonment; has been branded as a convict for  
11 murder; is suffering and will continue to suffer severe and permanent mental,  
12 psychological, moral and emotional pain, anguish and distress; and, has sustained  
13 loss of happiness and capacity to enjoy life; and his capacity to perform activities  
14 common to a man of his age, and sex, have been impaired as a result.

15 103. The defendants engaged in the unlawful conduct in question with malice,  
16 recklessness or indifference to the federally protected rights of Leopoldo Sanabria  
17 Diaz. He is entitled to receive an award for punitive or exemplary damages, which  
18 will serve as punishment and deterrence for such unlawful conduct.

19 **THEREFORE, THE ESTATE OF Leopoldo Sanabria Diaz, demands that Judgement be**  
20 entered in his favor and against the defendants, awarding him the amount of **TEN**  
21 **MILLION DOLLARS (\$10,000.000.00)** in compensatory and punitive damages; awarding  
22 him reasonable attorney's fees, the costs of this action and post-judgement interests; and  
23 granting any further relief that under the circumstances this Honorable Court finds  
24 appropriate.

#### ELEVENTH CAUSE OF ACTION

25 104. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and  
26 INCORPORATE them as though fully set forth at this point.

27 Suites 601 & 602-A  
28 Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 105. This cause of action arises out of the Puerto Rico general tort statutes.  
2 106. The defendants, intentionally, recklessly and/or negligently, caused Leopoldo  
3 Sanabria Diaz to be subject of malicious prosecution, intentional infliction of  
4 emotional distress, invasion of his privacy, false arrest, false imprisonment,  
5 defamation, libel and other extreme outrageous conduct.  
6 107. As a direct result of the defendants fault or negligence, Leopoldo Sanabria Diaz was  
7 incarcerated for close to 7 years, close to six (6) years of which were spent in  
8 Solitary Confinement, secluded for 23 hours a day; he suffered fear of losing his life  
9 in jail, of being a victim of attack by other violent prisoners; harm to his reputation  
10 and credit; hardship, humiliation and inconveniences suffered; loss of company of  
11 his family and dear ones, during imprisonment; has been branded as a convict for  
12 murder; has suffered severe and permanent mental, psychological, moral and  
13 emotional pain, anguish and distress; and, has sustained loss of happiness and  
14 capacity to enjoy life; to such an extent as to take his own life in jail, in desperation  
15 after his appeal was initially denied.

16 **THEREFORE, the Estate of Leopoldo Sanabria Diaz, demands that Judgement be**  
17 **entered in his favor and against the defendants, awarding him the amount of **TEN****  
18 ****MILLION DOLLARS (\$10,000.000.00)** in compensatory; awarding him reasonable**  
19 **attorney's fees, the costs of this action and post-judgement interests; and granting any**  
20 **further relief that under the circumstances this Honorable Court finds appropriate.**

#### TWELFTH CAUSE OF ACTION

21 108. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and  
22 INCORPORATE them as though fully set forth at this point.  
23 109. This cause of action arises out of the Puerto Rico general tort statutes.  
24 110. As a consequence of Leopoldo Sanabria Diaz, wrongful incarceration and his  
25 resultant emotional damages, his father, Leopoldo Sanabria Morales, and Maribel  
26 Ortiz Vazquez, on behalf of his minor son, J.M.S.O, lost the company and legal right

27 Suites 601 & 602-A  
28 Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

to maintain a family relationship with Leopoldo Sanabria Diaz during the close to 7 years he was wrongfully incarcerated; they suffered, are suffering and will continue to suffer the loss of company, care, affection, moral support, pleasure and enjoyment of each others company, but for the actions of defendants, which have caused them to sustain permanent mental, moral, emotional pain, anguish and distress.

**THEREFORE**, his father, Leopoldo Sanabria Morales, and Maribel Ortiz Vazquez, on behalf of his minor son, J.M.S.O., demand that Judgement be entered in their favor and against defendants, awarding each of them the amount of **TWO MILLION DOLLARS (\$2,000.000.00)** in compensatory damages, awarding them reasonable attorney's fees, the costs of this action and post-judgement interests; and granting any further relief that under the circumstances this Honorable Court finds appropriate.

## THIRTEENTH CAUSE OF ACTION

111. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and INCORPORATE them as though fully set forth at this point.
112. This cause of action arises under the federal civil rights statutes.
113. The defendants performed illegal acts that operated to deprive Jesus Manuel Ortiz Diaz of one or more of his federal constitutional rights, by perverting the legal process to deprive him of his liberty interests.
114. As a direct result of the deprivation of his civil rights, Jesus Manuel Ortiz Diaz was incarcerated; he suffered fear of losing his life in jail, of being a victim of attack by other violent prisoners; harm to his reputation and credit; hardship, humiliation and inconveniences suffered; loss of company of his family and dear ones, during imprisonment; has been branded as a convict for murder; is suffering and will continue to suffer severe and permanent mental, psychological, moral and emotional pain, anguish and distress; and, has sustained loss of happiness and capacity to enjoy life; and his capacity to perform activities common to a man of his

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM

1 age, and sex, have been impaired as a result.

2 115. The defendants engaged in the unlawful conduct in question with malice,  
3 recklessness or indifference to the federally protected rights of Jesus Manuel Ortiz  
4 Diaz. He is entitled to receive an award for punitive or exemplary damages, which  
5 will serve as punishment and deterrence for such unlawful conduct.

6 **THEREFORE, THE ESTATE OF Jesus Manuel Ortiz Diaz, demands that Judgement be**  
7 entered in his favor and against the defendants, awarding him the amount of **TEN**  
8 **MILLION DOLLARS (\$10,000.000.00)** in compensatory and punitive damages; awarding  
9 him reasonable attorney's fees, the costs of this action and post-judgement interests; and  
10 granting any further relief that under the circumstances this Honorable Court finds  
11 appropriate.

12                          **FOURTEENTH CAUSE OF ACTION**

13 116. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and  
14 INCORPORATE them as though fully set forth at this point.

15 117. This cause of action arises out of the Puerto Rico general tort statutes.

16 118. The defendants, intentionally, recklessly and/or negligently, caused Jesus Manuel  
17 Ortiz Diaz to be subject of malicious prosecution, intentional infliction of emotional  
18 distress, invasion of his privacy, false arrest, false imprisonment, defamation, libel  
19 and other extreme outrageous conduct.

20 119. As a direct result of the defendants fault or negligence, Jesus Manuel Ortiz Diaz  
21 was incarcerated he suffered fear of losing his life in jail, of being a victim of attack  
22 by other violent prisoners; harm to his reputation and credit; hardship, humiliation  
23 and inconveniences suffered; loss of company of his family and dear ones, during  
24 imprisonment; has been branded as a convict for murder; has suffered severe and  
25 permanent mental, psychological, moral and emotional pain, anguish and distress;  
26 and, has sustained loss of happiness and capacity to enjoy life; to such an extent  
27 as to take his own life in jail, in desperation.

28 Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

1 **THEREFORE, the Estate of Jesus Manuel Ortiz Diaz, demands that Judgement be**  
2 entered in his favor and against the defendants, awarding him the amount of **TEN**  
3 **MILLION DOLLARS (\$10,000.000.00)** in compensatory; awarding him reasonable  
4 attorney's fees, the costs of this action and post-judgement interests; and granting any  
5 further relief that under the circumstances this Honorable Court finds appropriate.

6 **FIFTEENTH CAUSE OF ACTION**

7 120. Plaintiffs repeat, replead, and reallege Paragraphs 1 through 59, inclusive, and  
8 INCORPORATE them as though fully set forth at this point.

9 121. This cause of action arises out of the Puerto Rico general tort statutes.

10 122. As a consequence of Jesus Manuel Ortiz Diaz, wrongful incarceration and his  
11 resultant emotional damages, his mother, Ana L. Diaz Rivera, and his brothers and  
12 sisters, Francis I. Lopez Diaz, Digno Ortiz Diaz, Luis Daniel Ortiz Diaz, Yolanda  
13 Ortiz Diaz, and Evelyn Ortiz Diaz,, lost the company and legal right to maintain a  
14 family relationship with Jesus Manuel Ortiz Diaz during the time he was wrongfully  
15 incarcerated; they suffered, are suffering and will continue to suffer the loss of  
16 company, care, affection, moral support, pleasure and enjoyment of each others  
17 company, but for the actions of defendants, which have caused them to sustain  
18 permanent mental, moral, emotional pain, anguish and distress.

19 **THEREFORE**, his mother, Ana L. Diaz Rivera, and his brothers and sisters, Francis I.  
20 Lopez Diaz, Digno Ortiz Diaz, Luis Daniel Ortiz Diaz, Yolanda Ortiz Diaz, and Evelyn Ortiz  
21 Diaz,,, demand that Judgement be entered in their favor and against defendants, awarding  
22 each of them the amount of **TWO MILLION DOLLARS (\$2,000.000.00)** in compensatory  
23 damages, awarding them reasonable attorney's fees, the costs of this action and post-  
24 judgement interests; and granting any further relief that under the circumstances this  
Honorable Court finds appropriate.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against

27 Suites 601 & 602-A  
28 Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
OPMLAW@YAHOO.COM

CIVIL RIGHTS CLAIM

defendants :

1. for all the amounts requested in the complaint;
2. Imposing on defendants the payment of all costs, expenses incurred and legal interest;
3. Award plaintiff a reasonable amount for attorney's fees;
4. Ordering the Justice, Corrections and Police Departments to expunge and deliver to plaintiffs all records maintained in all files or database with regard to crimes wrongfully imputed to Carmelo Velazquez Colon, Orlando Ramos Felix, Hector Julio Merced Gomez, Leopoldo Sanabria Diaz and Jesus Manuel Ortiz Diaz.
5. providing any further relief this Honorable Court may deem just and proper.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this February 5, 2010.

**S/OSVALDO PEREZ MARRERO**  
USDC-PR 119013  
Banco Cooperativo Plaza  
Suite 601 & 602-A  
623 Ponce de León Avenue  
Hato Rey, Puerto Rico 00917  
Tel. 753-1313  
Fax. 753-1317  
E-mail: [OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

Suites 601 & 602-A  
Banco Cooperativo Plaza  
623 Ponce de León Avenue  
San Juan, Puerto Rico 00917  
[OPMLAW@YAHOO.COM](mailto:OPMLAW@YAHOO.COM)

## CIVIL RIGHTS CLAIM